

## Message Text

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ACTION ARA-15

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-02 INR-10

L-03 NSAE-00 NSC-05 PA-02 SP-02 SS-15 ICA-20

COME-00 EB-08 LAB-04 SIL-01 HA-05 IO-14 TRSE-00

OMB-01 /113 W

-----005733 090135Z /64

R 072051Z SEP 78

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 419

UNCLAS SANTIAGO 6766

EO 11652: NA

TAGS: ELAB, CI

SUBJ: GOC PLANS TO PERMIT COLLECTIVE BARGAINING BY EARLY 1979

REF: SANTIAGO 6580

1. LABOR MINISTER VASCO COSTA ANNOUNCED SEPTEMBER 2 THAT THE GOC IS PREPARING TO PERMIT THE RESUMPTION OF COLLECTIVE BARGAINING DURING THE FIRST PART OF 1979. TWO DAYS LATER LABOR UNDERSECRETARY VENTURA-JUNCA SAID THE RESUMPTION COULD COME BY EARLY JANUARY.

2. THE TWO LABOR MINISTRY OFFICIALS SPELLED OUT SOME OF THE TERMS OF THE DRAFT LAW NOW IN FINAL STAGES OF PREPARATION. COLLECTIVE BARGAINING WILL BE A THREE-STAGE PROCESS: FIRST, DIRECT NEGOTIATIONS; SECOND, MEDIATION; AND FINALLY, COMPULSORY ARBITRATION. THE PRESENT TRIPARTITE COMMISSIONS, WHICH NOW HAVE LIMITED AUTHORITY TO IMPOSE INDUSTRY-WIDE CONTRACTS, MAY HAVE SOME ROLE IN THE MEDIATION STAGE. ARBITRATORS WILL NOT BE APPOINTED BY THE GOVERNMENT BUT RATHER BY INDEPENDENT INSTITUTIONS. -- FOR EXAMPLE, BY THE JUDICIARY. THE ARBITRATION FUNCTION ACCORDING TO VENTURA-JUNCA WILL BE "ABSOLUTELY TECHNICAL AND TOTALLY FREE OF POLITICAL CONSIDERATIONS."

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3. UNDER THE NEW LAW, COLLECTIVE BARGAINING WILL BE ALLOWED BY COMPANIES, NOT FOR ENTIRE INDUSTRIES. THE REASON GIVEN FOR THIS LIMITATION IS THAT COMPANIES IN A GIVEN INDUSTRY VARY GREATLY IN SIZE AND RESOURCES. THE NEW COLLECTIVE BARGAINING LAW WILL APPLY ONLY TO THE PRIVATE SECTOR, NOT TO STATE-OWNED INDUSTRIES (E.G., CODELCO).

4. THE COLLECTIVE BARGAINING LAW WILL NOT PERMIT A RIGHT TO STRIKE BUT VENTURA-JUNCA HINTED UPON THE POSSIBILITY THAT THIS RIGHT MAY BE PROVIDED FOR IN FUTURE LEGISLATION. SIMILARLY, THE GOC DOES NOT INTEND TO RESTORE UNION ELECTIONS AT THIS TIME. IN THE GOC'S PLANNING THEY CONSTITUTE A LATER STAGE OF NORMALIZATION.

LANDAU

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## Message Attributes

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